

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THERESA BESTER,

Plaintiff,

v.

NANCY BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

Case No. 14-CV-413-JPS

ORDER

In 2014, Plaintiff filed this appeal of an adverse decision of the Commissioner of Social Security (the “Commissioner”) on her application for disability benefits. (Docket #1). The parties stipulated to remand the matter back to the Commissioner pursuant to the sixth sentence of 42 U.S.C. § 405(g) because the administrative record was incomplete. (Docket #17). In “sentence six” remands like this one, the Court retains jurisdiction and awaits post-remand agency proceedings to conclude before it enters judgment. *Shalala v. Shaefer*, 509 U.S. 292, 297 (1993). On December 16, 2016, the administrative law judge (“ALJ”) assigned to this matter on remand entered a decision in Plaintiff’s favor, finding that she is disabled within the meaning of the Social Security Act. (Docket #20-1). The time to administratively appeal the decision has expired, making the ALJ’s decision the final decision of the Commissioner. *See* 20 C.F.R. §§ 404.951, 404.987. The Commissioner now moves for affirmance of the ALJ’s decision and the entry of final judgment in this case. (Docket #20). As might be expected, Plaintiff does not oppose the motion. (Docket #21). In

light of the ALJ's decision and the parties' joint request for the entry of judgment, the Court will grant the Commissioner's motion.

Accordingly,

IT IS ORDERED that the Commissioner's motion for affirmance of the agency decision on remand and for entry of final judgment (Docket #20) be and the same is hereby **GRANTED**;

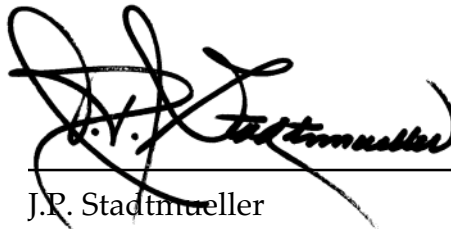
IT IS FURTHER ORDERED that the December 16, 2016 final decision of the Commissioner of Social Security granting Plaintiff's application for benefits (Docket #20-1) be and the same is hereby **AFFIRMED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 12th day of May, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge